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Northern District of California
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Counsel for Defendant ROCHA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN ROCHA a.k.a. PABLO NUNEZ,

Defendant.

Case No.: 19-CR-382 EJD

**STIPULATION TO MODIFY
PROTECTIVE ORDER; ORDER**

Defendant Juan Rocha a.k.a. Pablo Nunez, represented by AFD Dejan M. Gantar, and the government, represented by AUSA Mohit Gourisaria, hereby stipulate and agree that the Protective Order issued on November 18, 2019 (*see* Dkt. 8), be modified.

The parties agree the following paragraph from the Protective Order be stricken:

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IT IS FURTHER ORDERED that defense counsel shall return

materials subject to this Protective Order (including any copies) to the United States within 14 days after whichever event occurs last in time: dismissal of all charges against the defendant; defendant's acquittal; defendant's sentencing; or the conclusion of any direct appeal. After the United States receives documents and materials subject to this Order, it shall maintain those documents and materials until the period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and materials subject to this Protective Order under the terms of this Order. Defendant's attorney in any motion under 28 U.S.C. § 2255 shall return the documents and materials subject to this Protective Order within 14 days after the district court's ruling on the motion or 14 days after the conclusion of any direct appeal of the district court's order denying the motion, whichever is later.

See Dkt. 8 at 3:8-20.

The parties further agree and stipulate that the Protective Order be further modified to include the following:

IT IS FURTHER ORDERED that after any judgment or disposition has become final and there are no pending proceedings, challenges, appeals, or habeas motions in the case, defense counsel shall notify the government so that the government can request materials subject to this Protective Order (including any copies) be returned to the United States. To the extent that the defense team intends to maintain possession of the Protected Information, it must so do under conditions specified in the Protective Order. If the defense team cannot ensure that the material will be kept under the conditions specified in this Order, then it will destroy the material. After the United States receives documents and materials subject to this Order, it shall maintain those documents and materials until the period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and materials subject to this Protective Order under the terms of this Order.

IT IS SO STIPULATED.

1 Dated: July 20, 2021

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3 GEOFFREY A. HANSEN
4 Acting Federal Public Defender
5 Northern District of California

6 /S/

7 DEJAN M. GANTAR
8 Assistant Federal Public Defender

9 Dated: July 20, 2021

10 STEPHANIE M. HINDS
11 Acting United States Attorney
12 Northern District of California

13 /S/

14 MOHIT GOURISARIA
15 Assistant United States Attorney

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ORDER

Pursuant to the parties' stipulation, and for good cause shown, the Court HEREBY ORDERS that the Protective Order, Dkt. 8, issued on November 18, 2019, is modified as follows:

The following paragraph from the Protective Order is stricken:

IT IS FURTHER ORDERED that defense counsel shall return materials subject to this Protective Order (including any copies) to the United States within 14 days after whichever event occurs last in time: dismissal of all charges against the defendant; defendant's acquittal; defendant's sentencing; or the conclusion of any direct appeal. After the United States receives documents and materials subject to this Order, it shall maintain those documents and materials until the period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and materials subject to this Protective Order under the terms of this Order. Defendant's attorney in any motion under 28 U.S.C. § 2255 shall return the documents and materials subject to this Protective Order within 14 days after the district court's ruling on the motion or 14 days after the conclusion of any direct appeal of the district court's order denying the motion, whichever is later.

See Dkt. 8 at 3:8-20.

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The Protective Order is further modified as follows:

IT IS FURTHER ORDERED that after any judgment or disposition has become final and there are no pending proceedings, challenges, appeals, or habeas motions in the case, defense counsel shall notify the government so that the government can request materials subject to this Protective Order (including any copies) be returned to the United States. To the extent that the defense team intends to maintain possession of the Protected Information, it must so do under conditions specified in the Protective Order. If the defense team cannot ensure that the material will be kept under the conditions specified in this Order, then it will destroy the material. After the United States receives documents and materials subject to this Order, it shall maintain those documents and materials until the period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide counsel with the documents and materials subject to this Protective Order under the terms of this Order.

IT IS SO ORDERED.

Dated: July 21, 2021



HON. EDWARD J. DAVILA
United States District Judge